



# SENATE BILL 710: Strengthening DWI Laws.

2019-2020 General Assembly

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<b>Committee:</b>	Senate Judiciary. If favorable, re-refer to Finance. If favorable, re-refer to Rules and Operations of the Senate	<b>Date:</b>	June 16, 2020
<b>Introduced by:</b>	Sens. Edwards, J. Davis, Sawyer	<b>Prepared by:</b>	Shawn Middlebrooks
<b>Analysis of:</b>	PCS to First Edition S710-CSBQ-47		Staff Attorney

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**OVERVIEW:** *The Proposed Committee Substitute (PCS) to Senate Bill 710 would create the offense of Revoked Driving Felony Death by Vehicle, permanently suspend the driver's license of a person who has been convicted of Revoked Driving Felony Death by Vehicle, and authorize the Division of Motor Vehicles (DMV) to conditionally restore the drivers license of persons who have completed a Drug Treatment or Driving While Impaired (DWI) Treatment Program.*

## CURRENT LAW AND ANALYSIS:

### SECTION 1.

G.S. 20-141.4 establishes criminal offenses and penalties for injuries or deaths that result from a motor vehicle accident.

- Repeat felony death by vehicle is a Class B2 felony.
- Aggravated felony death by vehicle is a Class D felony.
- Felony death by vehicle is a Class D felony.
- Aggravated felony serious injury by vehicle is a Class E felony.
- Felony serious injury by vehicle is a Class F felony.
- Misdemeanor death by vehicle is a Class A1 misdemeanor.

The PCS to Senate Bill 710 would create the offense of *Revoked Driving Felony Death by Vehicle* and make it punishable as a Class F felony.

### SECTION 2.

G.S. 20-19(e) provides that a person's drivers license is *permanently* revoked when:

- The person was previously revoked for impaired driving and:
  - i. the person has two or more impaired driving convictions, and the most recent conviction occurred within 5 years of the offense for which the person is being revoked.
  - ii. the person was sentenced as an Aggravated Level 1 offender for impaired driving.
- The person was convicted of Aggravated Felony Serious Injury by Vehicle under G.S. 20-141.4.

The PCS to Senate Bill 710 would amend G.S. 20-19(e) to add *Revoked Driving Felony Death by Vehicle*.

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# Senate PCS 710

Page 2

## **SECTION 3.**

G.S. 20-19 provides that the DMV may conditionally restore a suspended or revoked driver's license when certain conditions are met.

The PCS to Senate Bill 710 would add a new subsection to G.S. 20-19 that allows the DMV to conditionally restore a person's driver's license after it has been revoked for impaired driving for at least one year and the following conditions are met:

- i. The person provides the DMV with a certificate of graduation from a Drug Treatment or DWI Treatment Court Program.
- ii. The person provides the DMV with a letter of recommendation from the judge of the treatment program.
- iii. The person pays all fees required by this Section.

The DMV shall require the person to install an ignition interlock system in their vehicle, and include all reasonable and *recommended* restrictions on the person's license.

**EFFECTIVE DATE:** This act becomes effective December 1, 2020, and applies to offense committed on or after that date.